

WGB/lmm/Doc#1883248

4623-08006

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

OTIS ELEVATOR,

Plaintiff,

VS.

EMERSON ELECTRIC CO. d/b/a  
U. S. ELECTRICAL MOTORS, INC., and  
CHAMPLAIN CABLE CORPORATION,

**Defendants.**

No. 1:08-cv-01107

Judge Ronald A. Guzman  
Magistrate Judge Sidney I. Schenkier

**AGREED MOTION OF DEFENDANT, EMERSON ELECTRIC CO., FOR AN  
ENLARGEMENT OF TIME FOR THE FILING OF RESPONSIVE PLEADINGS**

NOW COMES one of the defendants herein, EMERSON ELECTRIC CO., by and through its attorneys, John W. Bell and William G. Beatty; Johnson & Bell, Ltd., of counsel, and for its Agreed Motion for a 90-day enlargement of time for the filing of the responsive pleadings of the defendants in this matter, pursuant to the ongoing efforts of the parties to reach a resolution of this case, here states as follows:

1. As the Court has been previously advised, a meeting of high-level engineering and marketing personnel from plaintiff Otis Elevator Company, as well as defendants Emerson Electric Co. and Champlain Cable Corporation took place on Tuesday, June 3, for the purpose of discussing a possible engineering and business resolution of this case.

2. The parties agreed to a series of subsequent meetings which would involve inspections of the products involved in this case, both at the Otis Elevator facilities located in Bloomington, Indiana, as well as at the various customer sites where the products in question are located.

3. The first such meeting is scheduled for June 27 in Bloomington, Indiana, and will consist of meetings and inspections by high-level engineering representatives of all parties.

4. In order to allow the engineering and business personnel of all of the parties to continue their discussions toward a possible resolution of this matter, and to allow the parties an opportunity to direct their time and resources toward a business solution of this case, it was discussed and determined among the parties that it would be beneficial to allow the aforementioned process to continue, and to defer further steps in the litigation for a period of 90 days, in furtherance of the efforts of the parties to reach a resolution of this matter without incurring further attorneys' fees or without having to take up the Court's time while such meetings are taking place.

5. Pursuant to the above, the attorneys for the parties to this cause, *i.e.* Harry D. Cornett, Jr. and Thomas W. Baker on behalf of plaintiff Otis Elevator Company; John W. Bell and William G. Beatty on behalf of defendant Emerson Electric Co.; and Matthew B. Byrne on behalf of defendant Champlain Cable Corporation respectfully request that the Court allow the defendants an additional 90 days for the filing of their responsive pleadings, and to defer any required formal exchange of discovery or documents during that period of time.

6. Plaintiff Otis Elevator Company has recently filed a Joint and Agreed Motion to Continue the Status Hearing presently set for June 20, 2008 at 9:30 a.m., for a period of 90 days so as to allow the parties to continue with the aforementioned investigation and meetings in pursuit of a possible resolution of this matter.

WHEREFORE, the defendant, EMERSON ELECTRIC CO., respectfully prays for the entry of an order extending, for a period of 90 days, to October 17, 2008, from the present due date of June 17, 2008, for the defendants to file their responsive pleadings in this matter.

Respectfully submitted,

**s/ William G. Beatty**

William G. Beatty Bar Number: 03121542

One of the attorneys for Defendant

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 17, 2008, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

**s/ William G. Beatty**

William G. Beatty Bar Number: 03121542

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